

**CITY COUNCIL MEETING**  
**May 18, 1994**

**COMPLAINT REGARDING GARBAGE CANS ON THE SIDEWALKS**

Dick Phipps, 410 Charleston Way, Lodi, complained about the three-cart refuse system and about the garbage cans being placed on the sidewalk which is a safety hazard. Mr. Phipps feels that the placement of the cans was never voted upon by the City Council to make it legal. Mr. Phipps submitted for review by the Council at its leisure a 15 - 20 minute video tape showing a garbage truck picking up his refuse on the sidewalk.

Council Member Mann asked that the matter regarding the placement of the garbage cans be brought back on a future agenda.

FILE NO. CC-16, CC-22(b) AND CC-54

Mr. Phipps  
received a copy  
of Council  
Communication,  
agenda, minutes  
of 11/18/92 Council  
meeting re: waste cans  
and copy of Mr.  
Davenport's letter  
of request file



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Placement of Refuse Containers

**MEETING DATE:** June 15, 1994

**PREPARED BY:** City Manager

**RECOMMENDED ACTION:** That the City Council discuss the placement of refuse containers on collection days and take action as deemed appropriate.

**BACKGROUND INFORMATION:** Councilmember Davenport has requested that this item be placed on this agenda.

**FUNDING:** None

Respectfully submitted,

Thomas A. Peterson  
City Manager

TAP:br

CCOM-051/TXTA.07A

APPROVED. \_\_\_\_\_

THOMAS A. PETERSON  
City Manager



recycled paper



# **CITY OF LODI**

**Carnegie Forum  
305 West Pine Street, Lodi**

## **AGENDA - REGULAR MEETING**

**Date: June 15, 1994**

**Time: 7:00 p.m.**

**For information regarding this Agenda please contact:**

**Jennifer M. Perrin**

**City Clerk**

**Telephone: (209) 333-6702**

**ALL STAFF REPORTS OR OTHER WRITTEN DOCUMENTATION  
RELATING TO EACH ITEM OF BUSINESS REFERRED TO ON THE  
AGENDA ARE ON FILE IN THE OFFICE OF THE CITY CLERK AND  
ARE AVAILABLE FOR PUBLIC INSPECTION**

**Res. No. 94-66**

**Ord. No. 1595**

- A. Roll call**
- B. Invocation - Pastor Charles Plumb Jr., Church of the Nazarene**
- C. Pledge of allegiance**
- D. Presentations**
  - 1. Awards - None**
  - 2. Proclamations**
    - a) "City of Lodi's 125th Anniversary Celebration"**
  - 3. Presentations**
    - a) Presentation of check by the Kiwanis Club of Greater Lodi to the East Side Improvement Committee**
    - b) Presentation of the third graduating class of the Lodi Police Partners Volunteer Program and current progress report**
    - c) Announcement of upcoming Parks and Recreation Department events**
- E. Consent Calendar (Reading; comments by the public; action)**
  - 1. Claims - \$1,969,500.72**
  - 2. Minutes - June 1, 1994 (Regular Meeting)**
  - Res. No. 94-66 3. Contract Award for handicap accessible playground system at Henry Graves Park (\$19,886.19)**
  - Res. No. 94-67 4. Contract Award for Lodi Lake west bank clean-up project (\$10,990)**
  - Res. No. 94-68 5. Contract Award for asphalt materials for fiscal year 1994/95 (\$70,245)**

**CITY COUNCIL AGENDA  
JUNE 15, 1994  
PAGE TWO**

- Res. No. 94-69     6.     Contract Award for maintenance of landscape areas for fiscal year 1994/95 (\$48,980)
- Res. No. 94-70     7.     Contract Award for rock and sand material for fiscal year 1994/95 (\$9,750)
- Res. No. 94-71     8.     Contract Award for Type II Slurry Seal for various City streets, 1994 (\$34,132)
- Res. No. 94-72     9.     Contract Award for Civic Center Improvements, City Hall Annex Renovation, Carnegie Basement Renovation, Portable Trailers (\$619,300)
- Res. No. 94-73     10.    Acceptance of improvements in Century Meadows Three, Unit No. 2, Tract No. 2614
- Res. No. 94-74     11.    Acceptance of improvements in Johnson Ranch, Unit No. 2, Tract No. 2586
- 12.    Final Map and Improvement Agreement for Towne Ranch, Unit No. 2, Tract No. 2630
- Res. No. 94-75     13.    Traffic Resolution amendment - intersection control, Westwood Avenue at Lake Street
- Res. No. 94-76     14.    "No Parking" on Elm Street west of Ham Lane
- 15.    Postponement of Public Hearing set for July 6, 1994 in connection with proposed increases in business license tax

F.     Comments by the City Council Members on non-agenda items

G.     Comments by the public on non-agenda items

**THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.**

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

H.     Public Hearings - None

I.     Communications

- 1.     Claim filed against the City of Lodi
  - a)     Kathryn Scheppmann, date of loss 11/19/93
- 2.     Alcoholic Beverage Control License Application
  - a)     Daniel E. Ryhal, Rico's Pizza #9, 2401 West Turner Road #224, Lodi, On Sale Beer and Wine Eating Place, Person to Person Transfer
- 3.     Reports: (Boards/Commissions/Task Forces/Committees)
  - a)     Report by the East Side Improvement Committee

4. Miscellaneous

- a) Set Public Hearing for July 6, 1994 to consider the appeal of John Donati, 1217 Edgewood Drive, requesting to build a swimming pool over a Public Utility Easement and to enter into a Hold Harmless Agreement with the City of Lodi

J. Regular Calendar

- |                              |    |   |
|------------------------------|----|---|
|                              | 1. | Request from Theodore Elich to operate a Hawaiian shaved ice cart on the School Street sidewalk in front of the Post Office or near Bone Cuisine A La Carte |
| Ord. No. 1595<br>(Introduce) | 2. | Ordinance amending Lodi Municipal Code Chapter 5.40.020 defining adult businesses   |
|                              | 3. | Contract for technical assistance for design of Street Light Installation Projects (Cherokee Lane and Arterial/Collector Streets)                           |
|                              | 4. | Placement of refuse containers  |
| Res. No. 94-77               | 5. | Resolution in support of construction of public square on Post Office parking lot   |

K. Ordinances

- |                      |    |   |
|----------------------|----|---|
| Ord. 1594<br>(Adopt) | 1. | Ordinance entitled, "An Ordinance of the City Council of the City of Lodi Repealing and Reenacting in Its Entirety Municipal Code Section 2.04.100 (Ordinance 1566 Section 1 (Part), 1993)" |
|----------------------|----|---|

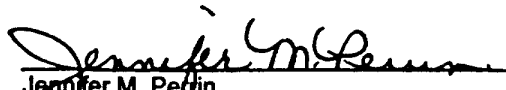
L. Closed Session

1. Labor Relations - Maintenance & Operators (M&O) and International Brotherhood of Electrical Workers (IBEW) - *Negotiator: Assistant City Manager Jerry Glenn*

M. Return to Open Session / Disclosure of Action

N. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

  
Jennifer M. Perfin  
City Clerk

- c) All solid waste collected in the City of Lodi must go through a State licensed Material Recovery Facility.

So that there is standardization of charges for collection and disposal of commercial solid waste collected in roll-off boxes or collection that is out of the normal course of events, Council is asked to conduct a public hearing to consider adopting standardized rates for this service. Roughly 15 commercial customers in Lodi will be affected by these rates. This will be presented as a separate item.

Discussion followed with questions regarding the subject being directed to staff.

On motion of Council Member Sieglock, Pennino second, the City Council laid on the table the following ordinances:

1. Ordinance No. 1562 entitled, "An Uncodified Urgency Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.16 Relating to Industrial Waste Collection Monthly Rates";
2. Ordinance No. 1512 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.16 - Solid Waste - To Provide for the Addition of Industrial Refuse Service"; and
3. Ordinance No. 1513 entitled, "An Ordinance of the Lodi City Council Amending the City's Exclusive Franchise for Waste Disposal Service to include Industrial Waste".

Further, on motion of Council Member Sieglock, Hinchman second, the City Council set the following public hearings regarding the matter for December 16, 1992:

1. Public hearing to consider adopting an urgency ordinance amending commercial rates relating to 50 cubic yard roll-off boxes; and
2. Public hearing to consider introduction of an ordinance for regulating all industrial waste haulers.

APPOINTMENTS TO CITIZENS ADVISORY BOARD  
TO REVIEW APPLICATIONS FOR RESIDENTIAL  
REFUSE SERVICE/FEE ADJUSTMENTS

CC-2(r)

On motion of Council Member Hinchman, Snider second, the City Council concurred with the appointments by the Mayor

of Trella Arieda and Richard Warner to the Citizens Advisory Board for the purpose of reviewing applications for residential refuse service/fees exemptions.

**STANDARD PICKUP LOCATION FOR WASTE CART  
RECEPTACLES ESTABLISHED**

CC-22(b)

Assistant City Engineer Richard Prima advised the City Council that the Public Works Department met with Lodi Sanitary City Disposal Company and agreed upon the pickup locations for their new waste receptacles.

The operating procedures for this three-cart system that had to be considered in picking a location are as follows:

1. The 38-gallon trash container (nonrecyclables) will be picked up weekly. In most locations, this pickup will be fully automated using a truck with an extendable arm that can reach out 96 inches.
2. The 60-gallon recycling container will be picked up every other week. This container will be manually moved to the truck for dumping.
3. The 90-gallon yard and garden container will be picked up every other week alternating with the recycling container. This container will be manually moved to the truck for dumping.
4. Therefore, each week there will be two containers to be picked up, either the trash and recycling or the trash and yard-garden.
5. There must be a clear space of at least two to three feet around the refuse container to provide room for operation of the automatic arm.

In determining the proper pickup location, the City had the following two major concerns:

1. That we did not block the sidewalk; and
2. That if the street was used that there was no conflict with our sweeping schedule.

The following four general locations were evaluated:

1. Immediately behind the back of sidewalk;
2. On the sidewalk at the back of sidewalk;



3. In the street near the flow line of the curb; and
4. On the sidewalk at face of curb

The locations near the back of sidewalk were eliminated due to the liability of the extendable arm going out and crossing the sidewalk and the fact that, if there was a parked car near the cart location, the container may not be reached because of the 96-inch limitation on the arm.

Putting the pickup location in the street was eliminated because we could not coordinate the street sweeping schedule with the weekly pickup schedule. Our street sweeping schedule during non-leaf season is every twelve working days and during leaf season every ten working days. The other problem with the street location that we witnessed in other communities was that the carts are not always removed from the street on the day of pickup. This would increase the conflicts with street sweeping.

It was determined that the best location is in the existing driveway section at the face of the curb. This location provides for easy placement by the property owner and provides the pedestrian with the driveway area to walk around the cart which will be blocking a portion of the sidewalk. Where a parkway (lawn area between curb, gutter and sidewalk) exists, it is recommended the cart be placed at the curb in the parkway outside of the driveway limits. Most parkway areas exist in the older part of town and have a substandard width driveway. For this reason, staff recommended carts be placed outside the driveway limits.

It should be noted that these standard locations will be used as guidelines and there will be specific exceptions to these standards which will need to be worked out on an individual basis between the property owner and Sanitary City.

Exhibit 1 presented for Council's review indicated cart locations for the following four situations:

- Case 1 - Vertical curb
- Case 2 - Vertical curb with parkway
- Case 3 - Joint driveways
- Case 4 - Roll-type curb

Exhibit 2 presented for Council's review showed pictures of the carts under each of the four cases above.

A lengthy discussion followed with questions being directed to staff.

On motion of Council Member Snider, Pennino second, the City Council standardized the pickup location for Sanitary

**CITY COUNCIL**

**JACK A. SIEGLOCK, Mayor**  
**STEPHEN J. MANN**  
Mayor Pro Tempore  
**RAY G. DAVENPORT**  
**PHILLIP A. PENNINO**  
**JOHN R. (Randy) SNIDER**

**CITY OF LODI**

**CITY HALL, 221 WEST PINE STREET**  
**P.O. BOX 3006**  
**LODI, CALIFORNIA 95241-1910**  
**(209) 334-5634**  
**FAX (209) 333-6795**

**RECEIVED**

**94 JUN -3 PM 3:55**

**JENNIFER M. PERRIN**  
**CITY CLERK**

**THOMAS A. PETERSON**  
City Manager

**JENNIFER M. PERRIN**  
City Clerk

**BOB McNATT**  
City Attorney

**TO: JENNIFER M. PERRIN, CITY CLERK**  
**FROM: COUNCIL MEMBER RAY DAVENPORT**  
**DATE: JUNE 3, 1994**  
**SUBJT: AGENDA ITEM**

- o Please place on the regular calendar for the council meeting of June 15, 1994: "PLACEMENT OF GARBAGE CANS FOR PICKUP IN THE CITY OF LODI," according to Mr. Phipps request and council concurrence May 18, 1994.
- o Please send a notice to Mr. Phipps ASAP of this action, along with a copy of this memo and the relevant current city ordinance.
- o Please provide me a copy of the relevant city ordinance.
- o Please anticipate that the tape may be shown to the audience at the meeting.

**cc: Mr. Phipps**  
**Mayor and Councilmembers**